

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 19-42 are currently pending. The present amendment amends claims 19, 28, and 36-39; and adds new claims 40-42. Applicant respectfully submits that support for these changes is self-evident from the originally-filed disclosure, including the specification at page 4, lines 30-33, and page 6, lines 6-9. Therefore, no new subject matter is introduced by the foregoing amendment.

In the Office Action, claims 19-39 were rejected under 35 U.S.C. § 102(e) as anticipated by Goldberg et al. (U.S. Patent No. 6,075,844; hereinafter "Goldberg").

Regarding this prior art rejection, Applicant respectfully submits that Goldberg fails to anticipate the pending claims. Goldberg is directed to a messaging system in which a sending party first records a spoken message, including a spoken header portion, into a remote recording device 100¹ and then downloads the spoken message to a PC 120.² The PC 120 then determines a routing access code for the intended recipient of the spoken message based on the spoken header, speech recognition software, and an access database 124.³

However, Goldberg does not teach each and every feature of the pending claims. For example, independent claim 19 recites, among other features:

...an address module configured to store a plurality of lists with subscriber identifications, each list being assigned to at least one of the subscribers;

a receiving module configured to receive a spoken message from one of the subscribers in the telephone network via the telephone network, the one of the subscribers being a transmitting subscriber, and to store the spoken message with an identification of the transmitting subscriber;

...a reply module configured to receive and to store the reply from the addressee.

¹ See Goldberg at Figures 1 and 2, and from col. 3, line 43, to col. 4, line 6.

² See *id.* at col. 4, lines 7-19.

³ See *id.* at col. 4, lines 20-46.

Goldberg does not teach an address module configured to store a plurality of lists with subscriber identifications, each list being assigned to at least one of the subscribers. The access database 124, in contrast to the recited address module, appears to store only a single list of potential intended recipients and is assigned to only a single user, that is, the sending party associated with the PC 120.⁴ Therefore, the access database 124 of Goldberg does not correspond to the address module recited in claim 19.

Further, Goldberg does not teach a receiving module configured to receive a spoken message from one of the subscribers in a telephone network via the telephone network, as recited in claim 19. Rather, the PC 120 receives a spoken message from the remote recording device 100 through a direct analog or digital cable between the PC 120 and the remote recording device 100.⁵ That is, the messaging system of Goldberg does not include a receiving module that is configured to receive a spoken message via a telephone network, as recited in claim 19.

Moreover, Goldberg does not teach a receiving module configured to store a spoken message with an identification of the transmitting subscriber, as recited in claim 19.

Goldberg is completely silent as to this feature because the PC 120 is used by only one sending party such that there is no need in the messaging system of Goldberg to store the identification of the sending party along with a downloaded spoken message. Therefore, the messaging system of Goldberg does not include a receiving module that stores a spoken message with an identification of a transmitting subscriber.

In addition, Goldberg does not teach a reply module configured to receive and to store a reply from the addressee, as recited in claim 19. The Office Action asserts that the subject matter disclosed by Goldberg at col. 7, lines 1-28, reads on this feature of claim 19.

However, Applicant respectfully disagrees. Rather than teaching the recited reply module,

⁴ See *id.* at col. 4, lines 29-36.

⁵ See *id.* at col. 4, lines 9-16; and col. 8, lines 33-42.

the referenced portion of Goldberg discusses a measure for providing a sending party with an indication that a spoken message has been transmitted by transmitting the same message back to the sending party.⁶ Therefore, the messaging system of Goldberg does not provide a reply module that receives and stores a reply from an addressee, but rather a feature of transmitting the original spoken message, and not a reply from an addressee, back to the sending party.

Thus, for at least the reasons discussed above, Applicant respectfully submits that Goldberg fails to teach each and every feature of claim 19, and therefore fails to anticipate claim 19. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 19 under 35 U.S.C. § 102(e). In addition, there is no suggestion in the prior art to modify the teachings of Goldberg to arrive at the features of claim 19, and therefore it is respectfully submitted that the prior art also fails to render obvious this claim. Further, claims 20-27, 37, and 38 depend from claim 19 and are also allowable for at least the reasons discussed above.

Moreover, independent claims 28 and 36 both recite features substantially similar to each of the features of claim 19 discussed above. As such, Applicant also respectfully submits that claims 28 and 36 patentably define over Goldberg. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 28 and 36 under 35 U.S.C. § 102(e). As with above-discussed claim 19, there is no suggestion in the prior art to modify the teachings of Goldberg to arrive at the features of claims 28 and 36, and therefore it is respectfully submitted that the prior art also fails to render obvious these claims. Applicants further submit that claims dependent from independent claims 28 and 36 are also allowable for at least the reasons discussed above.

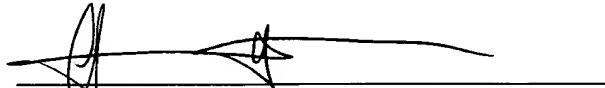
⁶ See *id.* at col. 7, lines 5-8.

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Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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